

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TIMOTHY MORTENSEN,

Defendant.

Case No.: 2:11-cr-00095-RLH-CWH

ORDER

(Motion to Resend Response to 2255
Motion –#91)

Before the Court is Defendant Timothy Mortensen’s Motion to Resend Response to 2255 Motion, (#91, filed Jan 21, 2014). Defendant argues that he did not receive the government’s Response to his § 2255 Motion and requests that the Court order the government to resend the Response and reset the filing deadlines to allow him a chance to file his Reply. However, the Court does not consider this necessary and denies Defendant’s Motion.

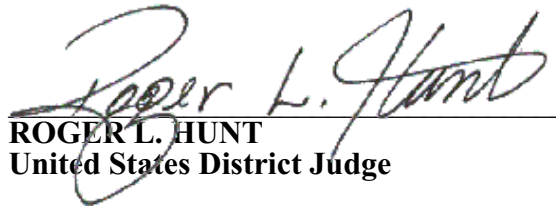
Attached to the government’s response was a Certificate of Service attesting to the fact that the U.S. Attorney’s office mailed a copy of its Response to Defendant at FCI - La Tuna, P.O. Box 3000, Anthony, New Mexico 88021. FCI - La Tuna is actually located in Anthony,

1 Texas—immediately across the New Mexico-Texas border. Consequently, this error may have led
2 to at least a delay in the delivery of the government's Response.¹

3 Nonetheless, the Court does not require a Reply from Defendant as Defendant's
4 Motion and the Court record establish that Defendant is not entitled to relief. The Court entered its
5 Order to that effect on January 14, 2014 (#90). Accordingly, the Court denies Defendant's
6 Motion.

7 IT IS SO ORDERED

8 Dated: January 29, 2014.

9
10 
11 **ROGER L. HUNT**
12 **United States District Judge**
13
14
15
16
17
18
19
20
21
22
23

24 _____
25 ¹ It is hard to believe—given the correct zip code and the fact that any mail carrier in
26 Anthony, NM would likely know that the Federal Corrections Institution was located two
miles to the south in Anthony, TX—that this error would actually result in a completely failed
delivery.